

ance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other states; for the revocation of licenses granted by the State Board of Chiropody Examiners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

CLARK, Chairman.

### THIRTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, Feb. 27, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent—Excused.

Rogers.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Strong.

(See Appendix for petitions and committee reports.)

### Excused.

Senator Rogers, indefinitely, on account of important business, on motion of Senator Witt.

### Bills and Resolutions.

By Senator Wood:

S. B. No. 400, A bill to be entitled "An Act making an emergency appropriation for the State Penitentiary System; providing that no part of same shall be used in or available for the payment of certain alleged notes alleged to have been executed by the Board of Prison Commissioners; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Doyle:

S. B. No. 401, A bill to be entitled "An Act making an appropriation for the purpose of preserving and perpetuating memorials of the history of Texas by gathering and rescuing from oblivion the records of sailors, dead or living, serving in the Confederate Navy from Texas; providing for an agency through which said appropriation is to be used; and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Murphy:

S. B. No. 402, A bill to be entitled "An Act creating and incorporating the Houston Independent School District, and defining its boundaries; providing that said Act shall automatically extend to all territory which may hereafter be included in the new city limits by an extension thereof, and providing how the territory adjacent to said district may become part of said district; authorizing and providing the manner of selection of trustees, and describing their qualifications and terms of office, and organizing the Board of Education of the Houston Independent School District, and continuing the present school board until the organization of the Board of Education; and providing for an election to determine whether the board shall remain appointive, as herein required or shall become elective; prescribing the time and method of holding said election and how the trustees shall be elected thereafter if it is deter-

mined by said election that the board shall become elective; validating the appointment of and all official acts done by the present school board; prescribing the oath of affirmation of said trustees; providing for the election of officers of said board, and the meetings, records, and conduct of the business thereof; giving said independent school district, through its said board, the power to manage and control, maintain and operate public free schools within said district, and to prescribe qualifications of, and issue certificates to, teachers; to recognize and validate teachers' certificates and diplomas; to make rules and regulations for the government and conduct of said schools, and for the protection of those attending said schools; to prescribe age limits of pupils, and to enforce their attendance; to employ attendance officers, and to fix their compensation; to take over and hold in trust for public school property and equipment, and to purchase and lease grounds upon which to erect school buildings and play grounds; to construct, equip and maintain such buildings; to provide for the establishment of schools for the teaching of special subjects, and to prescribe the course of study; to provide all necessary articles for the efficient instruction of the pupils, and operation and maintenance of schools; giving said district through the Board of Education, the power to make contracts, to be a party to actions in courts, without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments and garnishments, and from liability for assignments of wages, and exempting it from liability for damages for personal injuries, or damages to property; and exempting said district and its property from involuntary liens; authorizing it to receive gifts, grants, conveyances, donations and devises for the use of the public free schools, of said independent school district; authorizing it to select a depository upon sealed competitive bids, and prescribing and regulating the conduct of such depository, and requiring bond, and forbidding the making of contracts and the making of purchases in excess of \$1,000.00, except upon competitive bids; giving it the power to levy and collect tax-

es; to issue and dispose of bonds, and providing for the payment of same, and validating all school bonds and school refunding bonds heretofore issued by the City of Houston as an independent school district, as well as by the proper authorities of Harris County Independent School District Number 26; and validating, confirming and approving all official acts of the board of trustees of the School Board of said city, as well as of the trustees of Harris County Independent School District Number 25, and as well as the present school board; conferring upon said district the power of eminent domain, and the power to sell, exchange and lease the property thereof; to order elections within said district for the issuance of bonds and for the levy of taxes; and providing for the assumption against the City of Houston of all outstanding school bonds and school refunding bonds, and of all outstanding bonds of a like kind issued by Harris County Independent School District Number 25, and providing for the payment of interest and the creation of a sinking fund for the liquidation of said bonds, as well as any other bonds which may hereafter be voted; to adopt textbooks; to take the school census; for the removal from office of any member of said board; giving certain officers of said board authority to administer oaths; and providing for a corporate seal, and giving said district through its Board of Education power to manage and control public free schools within said district, and to do all things authorized by this Act; repealing Section 14, Chapter 17, of the Local and Special Laws of the Twenty-ninth Legislature, passed at the Regular and First Called Session thereof, incorporating the City of Houston into an independent school district, said Act having been approved March 18, 1905; and also repealing all Special and General Laws in conflict with the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Watts:

S. B. No. 403, A bill to be entitled "An Act Validating Midway Common School District No. 44 of Johnson County, Texas, as the same is described in the order of the county board of trus-

tees of Johnson County, dated June 3, 1922; validating an election for school house and equipment bonds, in the sum of \$3000, held on July 3, 1922, together with all orders of the commissioners' court of Johnson County, pursuant to said election and in respect to said bonds; also validating all levies of taxes made by the said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney General to approve said bonds; defining the powers of the county school trustees of Johnson County in respect to said district; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Davis:

S. B. No. 404, A bill to be entitled "An Act to amend Article 1606, Chapter 5 of the Revised Civil Statutes of Texas of 1911, as amended by an Act approved February 24, 1905, by the Twenty-ninth Legislature, and as further amended by an Act approved July 25, 1919, relating to the employment and salary of stenographers of courts of civil appeals, and fixing the salaries of stenographers of said courts, and declaring an emergency, and providing that the Act take effect from its passage and repealing all laws in conflict with the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Clark:

S. B. No. 405, A bill to be entitled "An Act to create a more efficient road system for Colorado County, making the county commissioners of said county ex-officio road supervisors, prescribing their duties as such, providing for their compensation as such road supervisors; authorizing the commissioners' court to employ a civil engineer to plan and superintend road and bridge construction and repair in said county and fixing the compensation for such engineer; providing for the laying off of road precincts; prescribing the duties and liabilities of all persons subject to road duty, and fixing penalties for violation or neglect of such duties so imposed; providing for exemptions; providing for the working of county convicts on the county roads of said county and authorizing the commissioners' court to enact reasonable rules, regulations and punishments necessary for the government, control and dis-

cipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor conviction cases, providing for the commutation of time of convicts as a reward for faithful service and good behavior; providing a reward not to exceed ten dollars to be offered for the arrest and conviction of escaped county convicts, and taxing such reward and all costs necessarily incurred in the recapture and conviction of such convicts against such convicts; making it a penal offense for any county convict to escape from any person having him in charge for the county, providing a penalty for such escape; providing for the trimming of hedges by the owners of lands adjoining public roads and providing a penalty for failure to trim such hedges; providing the amount of compensation in road time be allowed to road hands for teams, plows, scrapers, and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers on the public roads; providing for the appointment of road overseers and defining their powers and duties, providing compensation and providing for penalties for persons failing to work the roads when warned, and for persons failing to do good work, or to work in the manner by the road supervisor or road overseer; providing for the summoning of persons and teams, plows, scrapers, and wagons to work in connection with the county regularly organized road gang, or to repair roads in the precinct; providing for the working of county convicts either upon the roads and bridges or the county farm or public ground or public building or partly upon either, in the discretion of the commissioners' court; and providing for making such laws cumulative to the General Laws of the State of Texas, and in case of conflict the Special Law is to apply to Colorado County, Texas, and repealing all laws or parts of laws in conflict herewith, and all special road laws heretofore enacted for said county, not otherwise heretofore repealed, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Darwin:

S. B. No. 406, A bill to be entitled "An Act to amend Chapter 141, Acts

of the Regular Session of the Thirty-fifth Legislature, so as to prohibit commissioners' courts and supervisors of levee improvement districts from letting any contract calling for or requiring the expenditure of two thousand dollars (\$2,000) or more without first submitting same to competitive bids and publishing notice of the proposed letting of such contract; providing that such requirement may be waived in case of public calamity; requiring all contracts for more than five hundred dollars (\$500.00) and less than two thousand dollars (\$2,000) be let on competitive basis; providing that contracts made in violation of this Act shall not be enforced and may be enjoined; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Doyle:

S. B. No. 407, A bill to be entitled "An Act repealing Senate Bill No. 33, Chapter 5, Special and Local Laws passed by the Thirty-seventh Legislature at its First Called Session, entitled:

"An Act creating the Mexia Independent School District; defining its boundaries; divesting the city of Mexia of the control of its public schools and of its school property and vesting same in said independent school district and its board of trustees; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; authorizing the board of trustees of said district to employ the city assessor and collector of the city of Mexia to assess and collect any and all taxes that may be levied in said district; providing for changes in the boundary lines of said district; providing that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof, shall remain in full force and effect; validating a bond election heretofore held within and for the Mexia Independent School District; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wood, by request:

S. B. No. 408, A bill to be entitled "An Act to amend Article 668 of the Code of Criminal Procedure of Texas, 1911, providing the mode and manner

of serving a special venire, and repealing all laws or parts of laws in conflict with its provisions."

Read first time and referred to Committee on Criminal Jurisprudence.

#### S. J. R. No. 13—Set as Special Order.

On motion of Senator Murphy, S. J. R. No. 13 was set as a special order after the morning call next Friday.

#### S. B. No. 40—Set as Special Order.

On motion of Senator Dudley, S. B. No. 40 was set as a special order following the special order and pending business today.

#### S. B. No. 379—Ordered not Printed.

On motion of Senator Parr S. B. No. 379 was ordered not printed.

#### S. C. R. No. 18.

By Senator Murphy:

Whereas, There are four days which are anniversaries of important events in the history of Texas; and,

Whereas, Their significance should be understood and observed by all persons within the State. Therefore be it

Resolved, That as citizens of Texas, with gratitude to the men and women whose sacrifices and courage made those days sacred in the history of Texas, we do hereby request His Excellency, Pat M. Neff, Governor of Texas, to recommend by proclamation to the citizens of Texas the public observance of the annual recurrence of those days in the following manner, to-wit:

That at 8 a. m. on March 2nd, Independence Day, and on April 21st, San Jacinto Day, all who can to display the flag of Texas, when a republic, (with white stripes above), or the Stars and Stripes.

That every stationary bell, except at fire stations, and every stationary steam whistle be sounded for five minutes or longer, and wherever a battery of artillery of the National Guard is stationed, it to fire a salute of not more than 21 guns. If the anniversary occurs on the Sabbath, such celebration

to be on the preceding day, and be it further

Resolved, That inasmuch as the two other days are not only days of pride, but of sorrow to every true Texan, when we reflect that eighty-seven years ago those Texan heroes died in defense of the liberty of Texas; therefore, from 8 a. m., on March 6th, Alamo Day, and March 27th, Goliad Day, that all flags be displayed at half mast, and all such bells as mentioned be tolled five minutes or longer. If these two days fall on the Sabbath, it would only add to the appropriateness, because it was on that day that Santa Anna's cruel tragedies were enacted.

The resolution was read, and on motion of Senator Murphy, was laid on the table subject to call, and the following communication was ordered printed in the Journal:

LaPorte, Texas, Feb. 19, 1923.

Hon. Charles Murphy, Senator, Austin, Texas.

Dear Senator: Herein I submit a concurrent resolution. The other I have sent to Hon. J. P. Rogers. Please try to get it thru as soon as possible this week, so that the Governor may issue his proclamation at the earliest date before March 2nd.

Sincerely yours,

A. J. HOUSTON,

President of the Sons of the Republic of Texas.

#### **S. B. No. 193 on Third Reading.**

On motion of Senator Parr by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 193, A bill to be entitled "An Act accepting certain lands or bancos along the Rio Grande adjacent to the State of Texas, which territory has been acquired by the United States of America by virtue of a treaty with the United States of Mexico, dated March 20th, 1905, and ceded by the United States of America to the State of Texas by an act of Congress approved January 27th, 1922, and declaring an emergency."

The Chair laid S. B. No. 193 before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### **S. B. No. 355 on Third Reading.**

On motion of Senator Parr, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 355, A bill to be entitled "An Act to create the Palo Alto Independent School District out of a part of the Matamoras Common School District and the Bishop Independent School District in Nueces County, Texas, defining its boundaries; providing for a board of trustees in said district; conferring on said district and its board of trustees, all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon independent school districts and the boards of trustees thereof; providing for the election of trustees, raising of revenue, issuing of bonds, building and maintaining schools; providing for the payment by the Palo Alto Independent School District of the pro rata share of the bonded indebtedness of the Bishop Independent School District and validating said obligation; providing for commissioners to fix the said pro rata share of said bonded indebtedness; repealing all laws insofar as they conflict herewith, and declaring an emergency."

The Chair laid S. B. No. 355 before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### **S. B. No. 377 on Second Reading.**

On motion of Senator Baugh, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 377, A bill to be entitled "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as The Washington State Park; providing for the creation of a commission to be known as 'The Washington State Park Commission;' charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the

committee report that the bill be not printed, was adopted, and the bill was passed to engrossment.

#### **S. B. No. 347 on Second Reading.**

On motion of Senator Baugh by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 347, A bill to be entitled "An Act to amend an Act, passed by the Regular Session of the Thirtieth Legislature, known as House Bill No. 470 and approved April 4, 1907, entitled 'An Act creating an independent school district to be known as the Coleman Independent School District including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board,' so as to hereafter read as follows, and extending and defining its boundaries and including within its limits, the municipal corporations of the city of Coleman, and to provide for the creating of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes and provide authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore made declaring valid maintenance tax heretofore voted and repealing all laws in conflict herewith insofar as they conflict with this Act, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

#### **S. B. No. 198, on Second Reading.**

On motion of Senator Ridgeway, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 198, A bill to be entitled "An Act authorizing any street or suburban railway company, or inter-urban railway company, to lease or acquire and own, maintain and operate automobile bus lines for transportation of passengers or property, or both; authorizing the inclusion of such powers in the charters of such companies hereafter organized, so as to include such powers, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and on motion of Senator Dudley, was laid on the table subject to call.

#### **S. B. No. 128, on Second Reading.**

On motion of Senator Cousins, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 128, A bill to be entitled "An Act to require all locomotives, engines and boilers operated in or near any forest or other land adjacent to forest land, and not equipped to use oil for fuel, to be provided with an efficient device to prevent the escape of sparks and fire; providing such fire prevention devices must be maintained in repair; providing a penalty for non-compliance; providing that no person shall willfully or negligently cause or permit forest or other fires that may damage forest growth, and providing a penalty."

The Chair laid the bill before the Senate, it was read second time, and was passed to engrossment.

#### **S. B. No. 268, on Second Reading.**

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 268, A bill to be entitled "An Act to amend Articles 6901a and 6901d, of Chapter 1, Title 119 of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular

Session, Thirty-sixth Legislature, and to amend Articles 6901b, 6901c and 6901e, of said Chapter and Title of the Revised Civil Statutes, as enacted by Chapter 29 of the General Laws of the Fourth Called Session, Thirty-fifth Legislature, and adding thereto Articles 6901cc, 6901dd and 6901ff, all of which article of the statutes relate to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 268, pages 3 and 4 by striking out Sec. 5 and renumbering the other sections accordingly.

The amendment was adopted.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 268, page 1, line 17 by striking out the word, figure and letters "and 6901ff" and by placing in and just before the figures and letters 6901dd.

The amendment was adopted.

Senator Holbrook offered the following amendment to the bill:

Amend S. B. No. 268, Article 6901b, page 2, by substituting seventy-five million, (figures and letters) for fifty million in line 14, and seventy-five million for fifty million in line 1, page 3.

The amendment was adopted.

Senator Woods offered the following amendment to the bill:

Amend S. B. No. 268 by striking out the words and figures, "twenty-five million (\$25,000,000.00)" line 10, page 3 of the bill and insert in lieu thereof the following words and figures, "thirty million (\$30,000,000.00.)"

Strike out the words and figures, "twenty-five million (\$25,000,000.00)" and insert the following words and figures, "thirty million (\$30,000,000.00)" in line 21, page 2 of the bill.

Senator Parr moved to table the amendments.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7.

Bowers.	Ridgeway.
Davis.	Stuart.
Floyd.	Wood.
Parr.	

Nays—18.

Bailey.	Holbrook.
Baugh.	McMillin.
Bleissoe.	Pollard.
Clark.	Strong.
Cousins.	Turner.
Darwin.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Woods.

Present—Not Voting.

Lewis.	Rice.
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Absent.

Burkett.	Thomas.
Murphy.	

Absent—Excused.

Rogers.

The amendments were adopted.

Question: Shall the bill be passed to engrossment?

#### Executive Session.

The Chair here announced that the time set by the Senate, 11 a. m., for consideration of nominations by the Governor, had arrived.

Senator Floyd moved to postpone the time for the executive session until 10:30 o'clock a. m. next Thursday, and the motion was lost.

The Senate then resolved itself into executive session.

#### In the Senate.

In executive session the confirmation of the following appointments was reported to the Journal Clerk by the Secretary:

To be Secretary of State, S. L. Staples, of Smithville, Texas.

To be Commissioner of Insurance and Banking, J. L. Chapman, of McKinney, Texas.

To be State Reclamation Engineer, A. A. Stiles, of Austin, Texas.

To be State Fire Marshal, Geo. W. Tilley, of Waco, Texas.

To be Game, Fish and Oyster Commissioner, W. W. Boyd, of Decatur, Texas.

To be Assistant Attorney General, Court of Criminal Appeals, R. G. Storey, of Tyler, Texas.

To be a member of the Board of Prison Commissioners, Walker Sayle, of Breckenridge, Texas.

To be members of State Highway Commission, R. M. Hubbard, Chairman, of New Boston, Texas; W. W. McCrory, of San Antonio, Texas; and D. K. Martin, of Itasca, Texas.

To be members of Live Stock Sanitary Commission, Paul L. Smith, of Gilmer, Texas, and J. B. Murrah, of San Antonio, Texas.

To be members of the Board of Directors of the Agricultural and Mechanical College, F. M. Law, of Houston, Texas, succeeding himself; Byrd White, of Lancaster, Texas, succeeding T. N. Jones, whose time has expired.

To be members of the Board of Regents of the State Normal Schools, M. O. Flowers, of Lockhart, Texas, succeeding himself; Royal R. Watkins, of Dallas, Texas, succeeding his father, the late A. B. Watkins, deceased; and Mrs. Sallie B. Capps, of Fort Worth, Texas, succeeding herself.

To be a member of the board of Regents of the College of Industrial Arts, Miss Eleanor Breckenridge, of San Antonio, Texas.

To be members of the Board of Directors of the Texas Technological College, W. P. Hobby, of Beaumont, Texas; John W. Carpenter, of Dallas, Texas; C. W. Meadows, of Waco, Texas; Dr. J. E. Nunn, of Amarillo, Texas; Clifford Jones, of Spur, Texas; Mrs. Frank N. Drane, of Corsicana, Texas; Amon G. Garter, of Fort Worth, Texas; and R. A. Underwood, of Plainview, Texas.

To be members of the Texas Rate Making Board, created under the provisions of S. B. No. 229, Ed Hall, of Dallas, Texas; J. C. Jones, of Nevada, Texas; R. H. Kirby, of Austin, Texas; and George Holmgreen, of San Antonio, Texas.

#### **S. B. No. 301—Conference Committee Appointed.**

The Chair announced the appointment of the following Free Conference Committee on part of the Senate to consider S. B. No. 301: Senators Fairchild, Bledsoe, McMillin, Davis and Pollard.

#### **Executive Session—Time Set.**

Senator Clark moved that next Thursday at 10:15 o'clock a. m. be set as the time for the Senate to go

in executive session to consider nominations by the Governor.

The motion prevailed.

#### **Resignation From Committee.**

Senator Floyd tendered his resignation as Chairman and member of the Committee on Nominations by the Governor, and the Senate refused to accept the resignation.

#### **Recess.**

On motion of Senator Clark, the Senate at 12:05 p. m. recessed until 2:30 p. m. today.

#### **Afternoon Session.**

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

#### **S. B. No. 268 on Engrossment.**

The Senate resumed consideration of the special order, the same being S. B. No. 268 on its passage to engrossment.

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 268, page 2, lines 4 and 5, as follows:

Strike out the word "ten" and substitute the word "eight" in line 4, and strike out the figures (\$10,000,000) and substitute the figures (\$8,000,000) in line 5.

(Senator Murphy in the Chair.)

Yeas and nays were demanded, and the amendment was lost by the following vote:

**Yeas—13.**

Bledsoe.	Parr.
Bowers.	Ridgeway.
Burkett.	Watts.
Clark.	Wirtz.
Darwin.	Witt.
Davis.	Wood.
Holbrook.	

**Nays—15.**

Baugh.	Fairchild.
Cousins.	Lewis.
Doyle.	McMillin.
Dudley.	Murphy.



Pollard.  
Rice.  
Strong.  
Stuart.

Thomas.  
Turner.  
Woods.

Present—Not Voting.

Floyd.

Absent—Excused.

Bailey.

Rogers.

Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 268, page 3, line 9, as follows:

Strike out the word "fourteen," and substitute therefor the word "ten"; also strike out the figures (\$14,000,000) and substitute therefor the figures (\$10,000,000.)

Senator Wirtz offered the following substitute for the amendment:

Amend S. B. No. 68 by striking out the words "fourteen million dollars" in line 9, page 3, and line 17, page 3, and in lieu of said words in each instance insert "sixteen million dollars."

The substitute was adopted, and the amendment as substituted was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 268, page 4, by adding Sec. 5a, to read as follows:

"Sec. 5a. The salaries of the county commissioners may be paid for road services, out of the general funds of the county."

The amendment was adopted.

Senator Pollard offered the following amendment to the bill:

Amend S. B. No. 268, page 3, lines 19 and 20, by striking out the words and figures, "\$1200 per annum" and insert in lieu thereof, "\$1500."

Senator Floyd moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18.

Baugh.  
Clark.  
Cousins.  
Doyle.  
Fairchild.  
Floyd.  
Holbrook.  
Lewis.  
McMillin.

Murphy.  
Rice.  
Ridgeway.  
Strong.  
Thomas.  
Turner.  
Watts.  
Wirtz.  
Woods.

Nays—10.

Bailey.  
Bowers.  
Burkett.  
Darwin.  
Davis.

Parr.  
Pollard.  
Stuart.  
Witt.  
Wood.

Absent.

Bledsoe.

Dudley.

Absent—Excused.

Rogers.

Senator Wood offered the following amendment to the bill:

Amend S. B. No. 268, page 1, line 9, by striking out the words and figures, "\$14,000,000 dollars," and insert in lieu thereof the words and figures, "\$16,000,000 dollars."

The amendment was adopted.

(Lieutenant Governor Davidson in the Chair.)

Senators Lewis and Baugh offered the following amendment to the bill:

Amend S. B. No. 268, page 3, line 19, by striking out the words and figures, "twelve hundred (\$1200)" and insert in lieu thereof the words and figures, "one thousand (\$1000.)"

On motion of Senator Wood the motion was tabled.

Question: Shall S. B. No. 268 be passed to engrossment?

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—21.

Bledsoe.  
Burkett.  
Clark.  
Cousins.  
Darwin.  
Davis.  
Doyle.  
Dudley.  
Fairchild.  
Floyd.  
Holbrook.

Murphy.  
Parr.  
Pollard.  
Ridgeway.  
Strong.  
Stuart.  
Thomas.  
Watts.  
Wirtz.  
Wood.

Nays—7.

Baugh.  
Bowers.  
Lewis.  
McMillin.

Rice.  
Turner.  
Woods.

Absent—Excused.

Rogers.

## (Pair Recorded.)

Senator Witt, (present), who would vote yea; with Senator Bailey, (absent), who would vote nay.

**Motion to Suspend Constitutional Rule.**

Senator Wood moved to suspend the constitutional rule requiring bills to be read on three several days in each House and that S. B. No. 268 be put upon its third reading and final passage. The motion was lost by the following vote:

## Yeas—22.

Bledsoe.	Murphy.
Burkett.	Parr.
Clark.	Pollard.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.

## Nays—7.

Baugh.	Rice.
Bowers.	Turner.
Lewis.	Woods.
McMillin.	

## Absent—Excused.

Bailey.	Rogers.
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## S. B. No. 63 on Engrossment.

The Chair laid before the Senate as pending business, on its passage to engrossment, S. B. No. 63, providing for payment of fees of office for sheriffs, etc., which was passed to engrossment on Monday, Feb. 26, and a motion to reconsider the vote by which the bill was passed to engrossment, having been carried.

Question: Shall S. B. No. 63 be passed to engrossment?

Senator Murphy offered the following amendment to the bill:

Amend S. B. No. 63, as amended, Sec. 6 of the bill, subdivision 1, as amended, by inserting immediately after the words "fifteen cents" the following:

"Not to exceed the sum of two hundred dollars per month."

The amendment was adopted.

## (Senator Dudley in the Chair.)

Senator Murphy offered the following amendment to the bill:

Amend C. S. S. B. No. 63 by adding thereto a new section to be numbered 6a. to read as follows:

Sec. 6a. That Article 3897 of the Revised Civil Statutes of Texas, 1911, as amended by the Acts of 1913, page 246, Section 1, be and the same is hereby amended so as to hereafter read as follows:

"Article 3897. Monthly report; statement of expense; audit, etc. At the close of each month of his tenure of such office each officer whose fees are affected by the provisions of this Act shall make as a part of the report now required by law, an itemized and sworn statement of all the actual and necessary expense incurred by him in the conduct of his office, such as stationery, stamps, telephone, traveling expenses and other necessary expense. If such expense be incurred in connection with any particular case, such statement shall name such case. Such expense account shall be subject to the audit of the county auditor, and if it appear that any item of such expense was not incurred by such officer, or that such item was not necessary thereto, such item may be by such auditor or court rejected. In which case the correctness of such item may be adjudicated in any court of competent jurisdiction. The amount of such expense referred to in this paragraph shall not be taken to include the salaries of assistants or deputies which are elsewhere herein provided for. The amount of such expense shall be deducted by the officer in making each such report, from the amount, if any, due by him to the county under the provisions of this Act. Provided that in counties containing as many as forty thousand inhabitants according to the last preceding decennial census, the commissioners' court of the county of the sheriff's residence may upon the application of the sheriff in writing and under oath stating the necessity therefor, allow one or more automobiles to be used by the sheriff in the discharge of his official duties. Such automobile or automobiles, if purchased, shall be bought by the county in the manner prescribed by law for the purchase of supplies, and paid for out of the general fund, and they shall be and remain the property of the county. The expense of the maintenance and operation of such automobile

or automobiles as may be allowed shall be paid for by the sheriff, and the amount thereof shall be reported by the sheriff on the report above provided for, and shall be deducted by him from the amount, if any, due by him to the county, in the same manner as the other expenses are deducted which are provided for in this Act."

The amendment was adopted.

Senator Murphy offered the following amendment to the bill:

Amend caption to C. S. S. B. No. 63, page 15, printed bill, at the end of line 26, by adding the following:

"And to amend Article 3897 of the Revised Civil Statutes of Texas of 1911 so as to provide that in counties containing as many as forty thousand inhabitants the commissioners' court may purchase one or more automobiles to be paid for out of the general fund of the county, to be used by the sheriff in the discharge of his official duties, and the expense of maintenance and operation thereof to be paid by the sheriff in the same manner as the other expenses of his office."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 63, page 1, line 28, by striking out the figures \$1.50 and insert in lieu thereof 75 cents.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—10.

Bowers.	Strong.
Clark.	Thomas.
Doyle.	Wirtz.
Fairchild.	Witt.
Floyd.	Woods.

Nays—14.

Baugh.	Pollard.
Bledsoe.	Rice.
Darwin.	Ridgeway.
Davis.	Stuart.
Dudley.	Turner.
Lewis.	Watts.
Parr.	Wood.

Present—Not Voting.

Holbrook.	Murphy.
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Absent.

Burkett.	McMillin.
Cousins.	

Absent—Excused.

Bailey.	Rogers.
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Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 63, page 2, line 10, by striking out the figures \$3.00 and insert in lieu thereof \$1.50.

The amendment was lost.

S. B. No. 63 was then passed to engrossment by the following vote:

Yeas—19.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Darwin.	Stuart.
Davis.	Thomas.
Dudley.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—7.

Bowers.	Lewis.
Clark.	Strong.
Doyle.	Woods.
Fairchild.	

Absent.

Burkett.	McMillin.
Cousins.	

Absent—Excused.

Rogers.	Bailey.
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S. B. No. 63 on Third Reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 63 was put upon its third reading and final passage by the following vote:

Yeas—28.

Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Cousins.

Absent—Excused.

Bailey.	Rogers.
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The Chair then laid S. B. No. 63 before the Senate on its third reading and final passage.

The bill was read third time and passed.

### **S. B. No. 40, on Second Reading.**

(Senator Bledsoe in the Chair.)

The Chair laid before the Senate as special order, on its second reading,

S. B. No. 40, A bill to be entitled "An Act to regulate the practice of professional nursing; to create a board of nurse examiners for the examination and licensing of nurses, and to prescribe their qualifications, to provide for their proper registration and for the revocation of certificates and to fix suitable penalty for the violation of this Act, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 40, Section 1, page 1, line 25, by striking out all after the word Governor up to the word within, in line 26.

The amendment was adopted.

Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 40, Section 7, on page 4, line 1, by striking out all after the word Act down to the word applicants in line 12.

(Lieutenant Governor Davidson in the Chair.)

Senator Holbrook moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### **Yeas—12.**

Baugh.	Murphy.
Bledsoe.	Stuart.
Darwin.	Thomas.
Dudley.	Watts.
Holbrook.	Witt.
Lewis.	Wood.

#### **Nays—15.**

Bowers.	Parr.
Clark.	Pollard.
Cousins.	Rice.
Davis.	Ridgeway.
Doyle.	Turner.
Fairchild.	Wirtz.
Floyd.	Woods.
McMillin.	

**Absent.**

Burkett. Strong.

**Absent—Excused.**

Bailey. Rogers.

Senator Darwin offered the following substitute for the amendment:

Amend bill, page 4, line 6, by striking out all after the word "Texas" down to and including the word Act in line 12.

Senator Clark moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

#### **Yeas—12.**

Bowers.	Fairchild.
Burkett.	Floyd.
Clark.	Parr.
Cousins.	Rice.
Davis.	Wirtz.
Doyle.	Woods.

#### **Nays—15.**

Baugh.	Strong.
Darwin.	Stuart.
Dudley.	Thomas.
Holbrook.	Turner.
Lewis.	Watts.
Murphy.	Witt.
Pollard.	Wood.
Ridgeway.	

**Absent—Excused.**

Bailey Rogers.

(Pair Recorded.)

Senator McMillin (present), who would vote yea; with Senator Bledsoe (absent), who would vote nay.

The substitute was adopted and the amendment as substituted was adopted.

Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 40, Section 8, on page 4, in line 18, by striking out the figures \$15.00 and inserting in lieu thereof the figures \$10.00.

Senator Dudley moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

#### **Yeas—14.**

Baugh.	Darwin.
Bledsoe.	Dudley.

Holbrook.	Thomas.
Lewis.	Turner.
Murphy.	Watts.
Ridgeway.	Witt.
Stuart.	Wood.

Nays—15.

Bowers.	McMillin.
Burkett.	Parr.
Clark.	Pollard.
Cousins.	Rice.
Davis.	Strong.
Doyle.	Wirtz.
Fairchild.	Woods.
Floyd.	

Absent—Excused.

Bailey.	Rogers.
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Question recurring on the amendment by Senator Clark.

Yeas and nays were demanded, and amendment was lost by the following vote:

Yeas—13.

Bowers.	McMillin.
Clark.	Parr.
Cousins.	Pollard.
Davis.	Rice.
Doyle.	Wirtz.
Fairchild.	Woods.
Floyd.	

Nays—15.

Baugh.	Ridgeway.
Bledsoe.	Stuart.
Burkett.	Thomas.
Darwin.	Turner.
Dudley.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	

Present—Not Voting.

Strong.

Absent—Excused.

Bailey.	Rogers.
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Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 40, Section 9, on page 5, in line 14, by striking out all after the word "reside," to and including the word "examiners" in line 15.

The amendment was adopted.

Senator Clark offered the following amendment to the bill:

Amend Senate Bill No. 40, on pages 6 and 7, by striking out all of Section 14, and inserting in lieu thereof the following: "Any nurse that shall

earn more than \$35.00 per week and expenses, after the passage of this Act, shall be fined in any sum not to exceed one hundred dollars."

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—11.

Bowers.	Floyd.
Clark.	Parr.
Cousins.	Pollard.
Davis.	Rice.
Doyle.	Wirtz.
Fairchild.	

Nays—14.

Baugh.	Ridgeway.
Bledsoe.	Stuart.
Darwin.	Thomas.
Dudley.	Turner.
Holbrook.	Watts.
McMillin.	Wood.
Murphy.	Woods.

Present—Not Voting.

Burkett.	Strong.
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Absent.

Lewis.	Witt.
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Absent—Excused.

Bailey.	Rogers.
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Senator Baugh offered the following amendment to the bill:

Amend Senate Bill No. 40, page 8, line 10, by striking out the words "any number of such board" and insert in lieu thereof the following words "such nurse."

The amendment was adopted.

Senator Davis offered the following amendment to the bill:

Amend S. B. No. 40, page 9, by striking out Sections 18 and 19.

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—13.

Bowers.	McMillin.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Strong.
Davis.	Wirtz.
Fairchild.	Woods.
Floyd.	

Nays—16.

Baugh.	Doyle.
Bledsoe.	Dudley.
Darwin.	Holbrook.

Lewis.	Thomas.
Murphy.	Turner.
Parr.	Watts.
Ridgeway.	Witt.
Stuart.	Wood.

Absent—Excused.

Bailey.	Rogers.
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Senator Wirtz offered the following amendment to the bill:

Amend S. B. No. 40 by striking out all of Section 18, on page 9, of the printed bill.

The amendment was lost.

Question: Shall S. B. No. 40 be passed to engrossment?

#### Simple Resolution No. 77.

By Senator Bledsoe:

Whereas, The Board provided under S. B. No. 103 to select a location for the Texas Technological College are having many requests for copies of said bill and for the information therein contained, which requests are coming from those interested in the location of said school, and the Senate Journal containing said bill as finally passed have been exhausted, and it is practically impossible for said board to comply with said requests, and it is important that copies of this bill should be furnished to the interested parties. Therefore, be it

Resolved by the Senate of the State of Texas, That the Calendar Clerk be instructed to cause one thousand copies of said bill, as printed in the Journal of Tuesday, February 6, 1923, to be printed and delivered to the Secretary of said Board; that the expense thereof be paid out of the contingent expense account of the Senate.

The resolution was read and adopted.

#### House Bill No. 60.

(By unanimous consent.)

Senator Fairchild moved that the House be requested to return H. B. No. 60 to the Senate for correction.

The motion prevailed.

#### Message From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of

the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate, as follows:

Governor's Office,

Austin, Texas, Feb. 27, 1923.

To the Members of the Texas State Senate:

Gentlemen:

Gentlemen: I ask the advice, consent, and confirmation of the Senate of the appointment of George S. King, of Houston, Texas, as a member of the Texas Rate Making Board, as provided in S. B. No. 229, Mr. King to serve in the place of John F. Rowe, of Waco, who was not in position to act as a member of that board.

Respectfully submitted,

PAT M. NEFF, Governor.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 27, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. C. R. No. 3, relating to the compiling of the Legislative Manual and printing of copies of the Constitution.

The House has passed the following bills:

H. B. No. 285; A bill to be entitled "An Act to amend Article 610, Revised Statutes, as amended by Chapter 47, Acts of the Regular Session of the Thirty-seventh Legislature, prescribing purposes for which counties may issue bonds; amending Articles 611, 612, 617 and 621, Chapter 1, Title 18, Revised Statutes, 1911, relating to the issuance of county and city bonds; adding to Chapter 1, Title 18, Revised Statutes, five new articles designated as Articles 610a, 610b, 610c, 610d and 610e, authorizing counties, towns, cities, school districts and improvement districts to refund bonds now or hereafter outstanding; providing that nothing in this Act shall be construed as invalidating any bond elections previously ordered or held, or any bonds issued and sold by any county, city, town or district, and declaring an emergency."

House refuses to grant the request of the Senate to return H. B. No. 60 for further consideration.

**In Memory**  
**of**  
**W. L. Hall**  
**of Wharton, Texas**

Born in Black Jack Grove (now Cumby), Hopkins County, Texas, in 1867.

Died in Houston, Texas, September 11, 1921.

WHEREAS, When death, with an inverted torch, touched to dreamless sleep the eyes of the late Senator from Wharton there never passed from the councils of this chamber a soul of nobler build, and the people of his district never lost a truer representative when his sword of honor lay broken upon the crest of a finished career; and

WHEREAS, during his eight years of distinguished service in this Senate, by unswerving devotion to those principles and ideals which he conceived to be for the public good, he endeared himself to his associates in this body in such a manner that the recollection thereof will be a benediction to them as long as memory endures; and

WHEREAS, It is the sense of this body that a testimonial of the high regard in which he was held by the Senate of Texas, be printed in the Journal, and that a page in said Journal be dedicated for that purpose; therefore be it

RESOLVED, That in his death this State has lost one of its best loved native sons; and that in his passing a poignant sorrow is keenly felt by those of us who had the honor and the pleasure of walking with him in life; be it further

RESOLVED, That a copy of these resolutions be transmitted to his wife and daughter, with the hope and belief that, after a season of unselfish toil, his soul has found rest "in a land of eternal sunshine, and unfading flowers, for which a life of service had made him worthy."

HOLBROOK,  
BAILEY,  
LEWIS,  
WIRTZ,  
COUSINS,  
FAIRCHILD,  
THOMAS.

The resolution was read and unanimously adopted by a rising vote of the Senate.

House refuses to concur in Senate amendments to H. B. No. 60 and requests the appointment of a Free Conference Committee to adjust the differences between the House and the Senate.

The following committee is appointed on part of the House:

Melson, Baker of Milam, Smith, Shires, and Carpenter of Dallas.

House granted the request of the Senate for a Free Conference Committee to adjust the differences between the House and Senate on S. B. No. 301, and the following Committee is announced on part of the House:

Baker of Milam, Pool, Lackey, Bonham, and Wallace.

C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after its caption had been read, the following House bill:

H. B. No. 285, referred to Committee on Civil Jurisprudence.

#### Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 445.

#### Recess.

Senator Clark moved that the Senate adjourn until 10 a. m. tomorrow.

Yeas and nays were demanded and the motion to adjourn was lost by the following vote:

#### Yeas—13.

Burkett.	Pollard.
Clark.	Rice.
Cousins.	Strong.
Davis.	Turner.
Fairchild.	Wirtz.
Floyd.	Woods.
Parr.	

#### Nays—16.

Baugh.	Murphy.
Bledsoe.	Ridgeway.
Bowers.	Stuart.
Doyle.	Thomas.
Dudley.	Watts.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	

Absent.

Darwin.

Absent—Excused.

Bailey.

Rogers.

On motion of Senator Holbrook, the Senate at 5:45 p. m. recessed until 10 a. m. tomorrow.

#### APPENDIX.

#### Committee Reports.

Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 300 carefully compared, and find same to be correctly engrossed.  
DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 355 carefully compared and find same to be correctly engrossed.  
DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 341 carefully compared and find same to be correctly engrossed.  
DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 128 carefully compared and find same to be correctly engrossed.  
DOYLE, Chairman.



Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on  
Engrossed Bills have had Senate Bill  
No. 347 carefully compared and find  
same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Feb. 27, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on  
Engrossed Bills, have had Senate Bill  
No. 377 carefully compared and find  
same to be correctly engrossed.

DOYLE, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, Feb. 26, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred

H. B. No. 18, A bill to be entitled  
"An Act to amend Chapter 2 of Title  
98, Revised Statutes of Texas, 1911,  
by adding thereto Article 6057a, pro-  
viding that in addition to other meth-  
ods provided in said Chapter for the  
removal of officers they may be re-  
moved by quo warranto proceedings  
brought by the Attorney General upon  
direction of the Governor, making the  
provisions of said Chapter applicable  
to proceedings hereunder except where  
in conflict; providing that the district  
judge may temporarily suspend an of-  
ficer against whom the petition is  
filed and appoint a person to discharge  
the duties of the office who shall not  
be required to give bond as provided  
in Article 6049; providing that the  
suspended officer shall receive the sal-  
ary, compensation or fees until final  
judgment removing him, and that such  
salary, fees or compensation collected  
by the temporary officer shall be paid  
to the suspended officer, and that dur-  
ing appeal from a judgment removing  
an officer such salary, fees and com-  
pensation shall not be received by him  
unless he gives a supersedeas bond  
therefor, and that an appeal shall not  
suspend the order temporarily remov-  
ing such officer; providing that the  
temporary officer shall receive the  
same salary or compensation provided  
by law to be paid by the State out of  
an appropriation to the Governor for

the enforcement of the law; fixing  
jurisdiction and venue for such suits,  
and declaring an emergency."

Have have had the same under con-  
sideration, and I am instructed to re-  
port the same back to the Senate with  
the recommendation that it do pass,  
with the following committee amend-  
ment:

Amend H. B. No. 18 by striking out  
of Article 6057a the clause in the sec-  
ond sentence of said Article, reading  
as follows:

"In any district court of the judicial  
district or any adjoining judicial dis-  
trict in which such officer resides,"  
and in lieu thereof insert the follow-  
ing: "In the district court of the  
county in which such officer resides,"  
and by striking out the whole of the  
sentence of said Article 6057a, reading  
as follows: "Jurisdiction and venue  
are hereby conferred upon any district  
court of the judicial district or any  
adjoining judicial district in which the  
officer resides, for the trial of cases  
brought under this Article of this  
Chapter."

BAILEY, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 26, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: I, a minority of your Commit-  
tee on Civil Jurisprudence, to whom  
was referred the above mentioned H.  
B. No. 18, have had the same under  
consideration, and beg to differ with  
the majority of the Committee, and  
report the same back to the Senate  
with the recommendation that it do not  
pass.

WIRTZ.

(Minority Report.)

Committee Room,  
Austin, Texas, Feb. 26, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, a minority of your Com-  
mittee on Civil Jurisprudence, to whom  
was referred the above mentioned H.  
B. No. 18, have had the same under  
consideration, and beg to differ with  
the majority of the Committee, and  
report the same back to the Senate  
with the recommendation that it do  
pass.

Lewis, Burkett, Bowers, Bledsoe.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 537, A bill to be entitled "An Act to provide for the designation of district judges to hold special terms of court in the various judicial districts in the State when accumulation or urgency of business of the public interest justify or require such designation; providing for the manner of designation and providing further for the appointment of a clerk by the Supreme Court; prescribing his duties and fixing his salary; and prescribing the manner in which reports shall be made by the various district clerks to the Supreme Court showing the condition of the dockets of the various district courts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 304, A bill to be entitled "An Act to tax attorney's fees as cost against appellants, where the judgment appealed from is affirmed by the Court of Civil Appeals, and not thereafter reversed on writ of error, and against parties applying for a writ of error where such application is refused, or if granted, the judgment of the Court of Civil Appeals is thereafter affirmed by the Supreme Court; and to provide for determining the amount of such fees."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Com-

mittee on Civil Jurisprudence, to whom was referred S. B. No. 304, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

BOWERS,  
FAIRCHILD,

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 289, A bill to be entitled "An Act to amend Article 3793, Chapter 1, Title 55, of the Revised Civil Statutes of 1911, of the State of Texas, relating to the exemption of personal property from forced sale and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 369, A bill to be entitled "An Act to provide that county judges may authorize the payment of premiums on bonds of guardians, administrators or executors where such bonds are made out of the estate being administered by such guardians, administrators or executors."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 254, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants, the compensation of District Attorneys and providing for the appointment of assistant District Attorneys, in-

investigators, stenographers, deputies and other employees and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith with exceptions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed, as it is the same as S. B. No. 138, which is printed.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 296, A bill to be entitled "An Act to amend Article 1903, Chapter 8, Title 37, of the Revised Civil Statutes of Texas, as amended by the Acts of April 2, 1917, Chapter 176, Section 1, of the Legislature of the State of Texas, relating to the requisites of a plea of privilege, the prima facie proof of defendant's right to a change of venue, the controverting plea of the plaintiff, the service and hearing thereof, and the right of either party to appeal from the judgment rendered, and providing for an immediate appeal from the judgment rendered on such hearing, and prescribing the proceedings in prosecuting such appeal, and in the hearing thereof in the courts of civil appeals and the Supreme Court, and providing that cases pending in the courts of civil appeals may be advanced, and given priority, and shall be governed by this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but printed in the Journal.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 242, A bill to be entitled "An Act to amend Article 4621, Chapter 3, Title 68, of the Revised Statutes of Texas of 1911, as amended by Chapter 194, Section 1, of the Acts of the Regular Session of the Thirty-fifth

Legislature and by Chapter 130, Section 1 of the Acts of the Regular Session of the Thirty-seventh Legislature, by providing that the separate property of the wife may be mortgaged, pledged or incumbered for any purpose."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 324, A bill to be entitled "An Act providing the requirements of a plea of privilege to be sued in the county of one's residence; what shall constitute prima facie proof of such right; providing for the filing of a controverting plea by the plaintiff; providing for notice of the filing of such plea of privilege and of the controverting affidavit of the defendant, and of hearing thereon and providing for appeal; amending Article 1903 of the Revised Civil Statutes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 393, A bill to be entitled "An Act to amend Article 4068, Chapter 4, Title 64, of the Revised Civil Statutes of Texas of 1911, by providing that the father and mother shall be joint natural guardians of their minor children, with equal rights, powers and duties, and repealing all laws in conflict therewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 372, A bill to be entitled "An Act declaring it to be an offense for any person to persuade, coerce, encourage, induce or aid any 'dependent child,' as that term is defined in Article 2184 of the Revised Civil Statutes of 1911, to leave any individual, institution or family home to which said 'dependent child' has been committed, without the written consent of the judge of the court committing said child; prescribing a penalty for the violation thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 379, A bill to be entitled "An Act to prohibit the hunting or taking of wild game birds and wild game fowls and wild game animals from an airplane, a power-boat, a sail-boat, any boat under sail, or any floating device towed by powerboat or sail-boat; prescribing penalties for the violation of its provisions; providing for the Game, Fish and Oyster Commissioner and his deputies to have jurisdiction in the enforcement of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 390, A bill to be entitled "An Act amending Section 2 of Senate Bill No. 25, Chapter 1, of the Special Laws of the State of Texas,

passed at the First Called Session of the Thirty-seventh Legislature in 1921, and providing for that portion of the land hereby segregated from the Bowie Independent School District to bear its proportionate part of any bonded indebtedness now chargeable against that portion of the district hereby segregated and adding Section 2a and Section 2b."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Tex. Feb. 27, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 392, A bill to be entitled "An Act to create the Denson Independent School District in Williamson County, Texas, including the present Denson School District of said county; providing a Board of Trustees therefor; vesting said Independent School District and Board of Trustees with all the rights and powers, privileges and duties conferred upon Independent School Districts incorporated under the General Laws of Texas; providing that the Board of Trustees of the present Denson School District shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 403, A bill to be entitled "An Act validating Midway Common School District No. 44 of Johnson County, Texas, as the same is described in the order of the county board of school trustees of Johnson

County, dated June 3, 1922; validating an election for schoolhouse and equipment bonds, in the sum of \$3,000.00 held on July 3, 1922, together with all orders of the commissioners' court of Johnson County pursuant to said election and in respect to said bonds; also validating all levies of taxes made by the said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney General to approve said bonds; defining the powers of the county school trustees of Johnson County in respect to said district; and declaring an emergency."

Have had the same under consideration, and I am instructed by the Committee to report the same back to the Senate with the recommendation that it do pass, and, being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,  
Austin, Texas, Feb. 27, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 402, A bill to be entitled "An Act creating and incorporating the Houston Independent School District, and defining its boundaries; providing that said Act shall automatically extend to all territory which may hereafter be included in the new city limits by an extension thereof, and providing how the territory adjacent to said district may become part of said district; authorizing and providing the manner of selection of trustees, and describing their qualifications and terms of office, and organizing the Board of Education of the Houston Independent School District, and continuing the present school board until the organization of the Board of Education; and providing for an election to determine whether the board shall remain appointive, as herein required, or shall become elective; prescribing the time and method of holding said election and how the trustees shall be elected thereafter if it is determined by said election that the board shall become elective; validating the appointment of and all official acts done by the present school board; prescribing the oath of affirmation required of said trustees; prescribing for the election of officers of said board, and the meet-

ings, records, and conduct of the business thereof; giving said independent school district, through its said board, the power to manage and control, maintain and operate public free schools within said district, and to prescribe qualifications of, and issue certificates to, teachers; to recognize and validate teachers' certificates and diplomas; to make rules and regulations for the government and conduct of said schools, and for the protection of those attending said schools; to prescribe age limits of pupils, and to enforce their attendance; to employ attendance officers, and to fix their compensation; to take over and hold in trust for public school purposes all school property and equipment, and to purchase and lease grounds upon which to erect school buildings and play grounds; to construct, equip and maintain such buildings; to provide for the establishment of schools for the teaching of special subjects, and to prescribe the course of study; to provide all necessary articles for the efficient instruction of the pupils, and operation and maintenance of schools; giving said district, through the Board of Education, the power to make contracts, to be a party to actions in courts, without giving bond, either original or on appeal; exempting said district from the levy of executions, attachments and garnishments, and from liability for assignments of wages, and exempting it from liability for damages for personal injuries, or damages to property; and exempting said district and its property from involuntary liens; authorizing it to receive gifts, grants, conveyances, donations and devices for the use of the public free schools of said independent school district; authorizing it to select a depository upon sealed competitive bids, and prescribing and regulating the conduct of such depository, and requiring bond, and forbidding the making of contracts and the making of purchases in excess of \$1,000.00, except upon competitive bids; giving it the power to levy and collect taxes; to issue and dispose of bonds, and providing for the payment of same, and validating all school bonds and school refunding bonds heretofore issued by the City of Houston as an independent school district, as well as by the proper authorities of Harris County Independent School District No. 25; and validating, confirming and approving all official acts of the board of trustees of the school board of said

city, as well as of the trustees of Harris County Independent School District No. 25, and as well as the present school board; conferring upon said district the power of eminent domain, and the power to sell, exchange and lease the property thereof; to order elections within said district for the issuance of bonds and for the levy of taxes; and providing for the assumption against the City of Houston of all outstanding school bonds and school refunding bonds, and of all outstanding bonds of a like kind issued by Harris County Independent School District Number 25, and providing for the payment of interest and the creation of a sinking fund for the liquidation of said bonds, as well as any other bonds which may hereafter be voted; to adopt textbooks; to take the school census; for the removal from office of any member of said board; giving certain officers of said board authority to administer oaths; and providing for a corporate seal, and giving said district through its Board of Education power to manage and control public free schools within said district, and to do all things authorized by this Act; repealing Section 14, Chapter 17, of the Local and Special Laws of the Twenty-ninth Legislature, passed at the Regular and First Called Session thereof, incorporating the City of Houston into an independent school district, said Act having been approved on March 18, 1905, and also repealing all Special and General Laws in conflict with the provisions of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and being a local bill, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, Feb. 26, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 382, A bill to be entitled "An Act to facilitate the marketing and distribution of the natural resources of the State, and the products manufactured therefrom, by extending

the right of condemnation to certain corporations, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WITT, Chairman.

### THIRTY-FIFTH DAY.

(Continued.)

(Wednesday, February 28, 1923.)

The Senate met at 10 o'clock a. m. and was called to order by Lieutenant Governor T. W. Davidson.

### Bills and Resolutions.

By Senator Dudley:

S. B. No. 409, A bill to be entitled "An Act granting permission to J. J. Kilpatrick, Jr., to bring suit against the State of Texas in the District Court of Presidio County, Texas, for the actual expenses claimed to be due said J. J. Kilpatrick, Jr., in the preparation and planting of 110 acres of cotton at Pilarez, Presidio County, Texas, prior to the proclamation of the Governor, April 9, 1919, making Presidio and Brewster a non-cotton zone."

Read first time and referred to Committee on Public Debts, Claims, and Accounts.

By Senator Wood, by request:

S. B. No. 410, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, being upon the subject of preventing fraud in teachers' examinations; and declaring an emergency."

Read the first time and referred to the Committee on Criminal Jurisprudence.

By Senator McMillin:

S. B. No. 411, A bill to be entitled "An Act taking certain property from Common School District No. 49 of Grayson County, commonly known as Jernigan School District and attaching the same to and making it part of Common School District No. 50 of